

# **Discussion Topics**

- **Oak Ridge Reservation in Context**
- **City of Oak Ridge in Context**
- **Institutional Control Case Study: *East Tennessee Technology Park—Facts and Challenges***
- **Working Toward Solutions for Institutional Controls Challenges**

# **Oak Ridge Reservation (ORR) in Context**

- **Federal Government Complex operated by Department of Energy ~ 34,000 acres; 5 major contractors to DOE**
- **Placed on Superfund National Priorities List in 1989; about 9% of the ORR has legacy contamination**
- **Cleanup governed by a Federal Facilities Agreement between DOE, State of Tennessee, and the EPA**
- **“Accelerated Cleanup“ project targets are 2006 (Melton Valley); 2008 (East TN Technology Park), and 2015 (Balance of Reservation)**
- **DOE Office of Legacy Management not leading LTS/ICs**

# **Oak Ridge Reservation (ORR) in Context**

- **Environmental Management is the largest of DOE programs in Oak Ridge; operates alongside ongoing Science and Defense missions**
- **DOE established two “regional” boards in mid-1990’s— a Site-Specific Advisory Board (SSAB) and a Community Reuse Organization (CRO) dealing with EM and reuse issues; regulators focus community involvement efforts on SSAB**
- **State of TN, EPA and DOE signed Record of Decision for an on-site CERCLA disposal facility for legacy waste; \$14 million trust fund established for State of TN**

# **City of Oak Ridge in Context**

- **Oak Ridge is 92 square miles; all of the ORR is within the Oak Ridge City limits; land is tax exempt**
- **Population has remained stable for years at 27,384**
- **Fewer than 20% of ORR workers live in Oak Ridge**
- **Approximately half of the 12,000 housing units is WWII “temporary housing”**
- **Modified Council-Manager form of government**
- **Seven Council members; 330 municipal employees**

# **City of Oak Ridge in Context**

- **City Staff's Work Plan is driven by City's Council's Strategic Plan, based on vision for Oak Ridge to become *“an exceptional place for all to live, work, and visit”***
- **Ambitious goals for 2006-2009 in four major areas:**
  - Revenue/Stabilized Taxes***
  - Housing***
  - Quality of Life/Service Delivery***
  - Economic Development***
- **Plan includes increasing number of municipal services provided to DOE and contractors**

# **City of Oak Ridge in Context**

**City's first encounter with Institutional Controls in mid-1990s did not prove successful:**

- City purchased land from DOE to develop a golf course**
- Deed restriction prohibited use of groundwater, but was not initially enforced by DOE or regulators; City had no experience with such restrictions**
- Work was stopped when developer initiated use of groundwater to irrigate the golf course**
- City has spent ~ \$1 million to pump potable water to site for irrigation**

# **Institutional Control Case Study:**

## **East Tennessee Technology Park (ETTP)**

- **~1200 acre industrial complex with hundreds of structures, including K-25 uranium enrichment facility, undergoing demolition**
- **~26 facilities will remain, most transferred to CRO under reindustrialization program**
- **City of Oak Ridge and DOE are in negotiations to transfer ETTP Fire Station to the City, and to provide water, wastewater, and electric services**
- **These services currently provided by contractors**

# **Institutional Control Case Study:**

## **East Tennessee Technology Park (ETTP)**

- **Record of Decision for “Zone 2” (~ 800 acres currently “inside the fence”) signed in April 2005; classified burial ground, abandoned utility lines to remain in-place**
- **Examples of Land Use/ Institutional Controls for ETTP:**
  - *Restricted to Industrial Use*
  - *Restriction on groundwater use*
  - *Restriction on excavation below 10 ft in some areas*
  - *Access controls (surveillance patrols & signage)*
  - *Excavation/Penetration permit program*
- **Nearly all ICs will be in place indefinitely**



# **Long Term Stewardship/ Institutional Control Challenges**

- DOE does not have a national LTS policy and implementation plan**
- Neither DOE, EPA, nor State of TN have enforced ICs over long time horizons; roles of each unclear**
- Unlike Rocky Flats and Weldon Springs, ICs to be enforced at ETTP in an operating, industrial setting**
- City of Oak Ridge has little experience in working with ICs in a service delivery setting---maintaining, servicing, constructing underground utilities at ETTP will be complicated endeavor**

# **Long Term Stewardship/** **Institutional Control Challenges**

- **No funding plan in place; reliance on annual appropriations reduces confidence that ICs will be properly funded *in perpetuity***
- **Concern that baseline cleanup levels may not be achieved; SSAB recommended *independent verification* be conducted at “completion” of accelerated cleanup**
- **Contamination left onsite may pose risk management challenges for the City of Oak Ridge—e.g. special insurance, workers compensation—indemnification must be protective of local governments**

# **Working Toward Solutions**

- **All parties must transition to a “customer service” culture; such a shift will require FFA parties to treat City of Oak Ridge as an *intergovernmental partner* rather than just a stakeholder**
- **Funding mechanisms must include risk management and technical expertise for City of Oak Ridge**
- **Clear lines of authority and communication must be established *in writing* among all parties**
- **Contingency plan needed to deal with uncertainties inherent in implementing ICs over long time horizon**